

### **REMARKS**

Applicants confirm that they have made a provisional election with traverse to prosecute the invention of Group I, claims 1-23 and the non-elected claims 24-34 have been withdrawn.

In response to the Office Action mailed March 6 , 2006, the application has been carefully reviewed and amended. Entry of the foregoing amendments and reconsideration of the application is respectively requested.

Claims 3 and 22 stand objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Applicants thank the Examiner for his careful consideration of these claims and his indication that these are allowable. Accordingly, claims 3 and 22 have been incorporated into base claim 1 and rewritten as claims 35- 36.

### **Claim Rejections - 35 USC § 102**


Claims 1-2 and 4-21 and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by US 6,455,240 (Adams). The Examiner stated that Adams discloses a method for simultaneously coating a non-gelatin layer adjacent a gelatin-containing layer.” [abstract, col 11, line 25 to col 12, line 51 and col 39, line 60 to col 40, line 30].

The fact is that Adams does not disclose the method described by the Applicants in the present invention. The method described in Adams, as disclosed in the abstract and described as the same in the cited paragraphs, is the “coating of a non-gelatin coating over a topmost gelatin layer in a photographic element” which is not the present invention’s method as discussed above and disclosed in the application. The present invention describes “comprising a support, a non-chill settable layer, and a chill settable layer wherein the non-chill settable layer is between the support and the chill settable layer” which is not the method described by Adams since the topmost layer would be a non-gelatin material in Adams and non-chill-settable (corresponding to the non-gelatin that the examiner discusses in the OA) material in the present invention. The details of this is well discussed on page 7 of the present invention.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

In conclusion, Applicants respectfully submit that claims 1-23 and 35-36 are allowable in their present form, and hereby request such allowance. The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.